

REMARKS

Claim 6 has been cancelled without prejudice or disclaimer. No new matter has been introduced. Twenty-one (21) claims are pending and remain for consideration. Reconsideration of the pending claims and further examination of the application is respectfully requested.

35 U.S.C. § 112

Claim 6 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 6 has been cancelled, without prejudice or disclaimer, to present the application in better condition for appeal.

35 U.S.C. § 102

Claims 1-23 are rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. EP 0890470, to Sawamoto et al. This rejection is respectfully traversed.

Claim 1 recites a first data processing apparatus configured to **predict** a target lane in which a host vehicle will be located when it has traveled along a projected path by a distance to the target vehicle.

Sawamoto does not disclose data processing apparatus as recited in Claim 1. Instead, Sawamoto discloses a lane change detector that detects whether a lane change is **currently occurring** (see Applicants' arguments on pages 9 through 14 in the Amendment filed November 27, 2006 and on pages 9 through 11 in the Request for Reconsideration filed May 23, 2007).

Applicants wish to reiterate that Claim 1 recites a target lane that is a **prediction** of which lane the host vehicle will be located when it has traveled by a distance to a target vehicle along a projected path. This target lane is **compared** to the position of the target vehicle. In Sawamoto, no special consideration is paid to a host vehicle having traveled along a projected path by a distance to a target vehicle. Sawamoto does not **predict** a target lane, as recited in Claim 1. Sawamoto discloses a

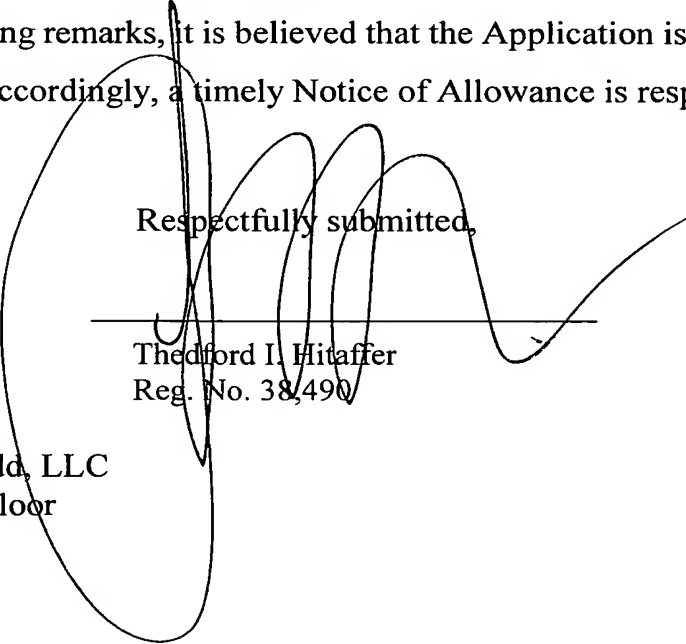
target lane but the target lane is that in which a host vehicle is **instantaneously** changing. It is not a **prediction** of a lane in which a host vehicle will be located when it has travelled along a projected path by a distance to a target vehicle. Therefore, Sawamoto does not disclose the **prediction** of a target lane, as recited in Claim 1. It follows that Sawamoto does not disclose the **comparison** of a position of a target lane with a position of a target vehicle, also as recited in Claim 1.

Since elements of Claim 1, from which all of the other claims depend (directly or indirectly), ~~is~~ not taught by the Sawamoto (the only currently applied reference) there is an omission of an essential element required to establish a prima facie rejection of all pending claims under 35 U.S.C. § 102. Therefore, the claims are allowable over Sawamoto. Favorable reconsideration of the claims is respectfully requested.

#### CONCLUSION

In view of the foregoing remarks, it is believed that the Application is in condition for Allowance. Accordingly, a timely Notice of Allowance is respectfully requested.

Respectfully submitted,

  
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